

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

Octavious Burks; Joshua Bassett, on Behalf of  
Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

Scott County, Mississippi; The Honorable  
Marcus D. Gordon, in his official capacity;  
The Honorable Bill Freeman, in his official  
capacity; The Honorable Wilbur McCurdy,  
in his official capacity; Mark Duncan,  
District Attorney for the 8th Circuit Court  
District, in his official capacity

Defendants.

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Case No: 3:14cv745HTW-LRA

**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO  
DEFENDANTS GORDON/COTTEN, FREEMAN, MCCURDY, AND DUNCAN**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs hereby dismiss with prejudice their claims against defendants Gordon<sup>1</sup>, Freeman, McCurdy, and Duncan. As required by Rule 41(a)(1)(A)(ii), counsel for all parties who have appeared in this action join in this stipulation as reflected by their electronic signatures affixed hereto. This Stipulation of Dismissal renders moot the Motion for Reconsideration previously filed by Plaintiffs, but only as to the dismissed defendants.

Plaintiffs' claims against defendant Scott County are not dismissed.

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<sup>1</sup> Defendant Marcus Gordon has died since the filing of this action. To the extent that Judge Vernon Cotten now is the proper substitute defendant for Judge Gordon by virtue of the fact that he assumed the position of Chief Judge of the Eighth Circuit Court District following Judge Gordon's death, this Stipulation of Dismissal with Prejudice also applies to all claims against Judge Cotten.

This the 5<sup>th</sup> day of April, 2017.

Respectfully submitted,

s/ Cliff Johnson

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Joined by the following:

s/ Justin L. Matheney

Counsel for Marcus D. Gordon / Vernon Cotten

s/ Douglas T. Miracle

Counsel for Mark Duncan

s/ Daniel J. Griffith

Counsel for Wilbur McCurdy and Bill Freeman

s/ William R. Allen

Counsel for Scott County and Mike Lee

**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 5<sup>th</sup> day of April, 2017, the foregoing document was filed with the Clerk of Court using the CM/ECF system which sent notifications to all counsel of record.

s/ Cliff Johnson  
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